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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,645	04/08/2004	Ralph E. Wesinger JR.	GRAPH-005COM	8998
28661 7590 03/03/2008 SIERRA PATENT GROUP, LTD. 1663 Hwy 395, Suite 201 Minden, NV 89423			EXAMINER AHN, SANGWOO	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 03/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,645

Applicant(s)

WESINGER ET AL.

Examiner

SANGWOO AHN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9-12,14,15 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-12,14,15 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20071126.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/2007 has been entered.

Response to Amendment

Claims 1, 3 – 4, 9 – 12, 14 – 15 and 20 – 22 are pending in this Office Action.

None of the pending claims has been amended.

Claims 2, 5 – 8, 13 and 16 – 19 have been canceled previously.

Response to Arguments

No arguments have been presented.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 and its dependent claims are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter. For an apparatus to be physical object, at least one recited element must be hardware (for example, a computer-readable storage medium to store program instructions and a processor to execute instructions). If all elements would have been reasonably interpreted in light of the disclosure by one of ordinary skill as software alone, the claim is directed to software *per se* and is non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 4, 9 – 12, 14 – 15 and 20 – 22 rejected under 35 U.S.C. 103(a)
as being unpatentable over U.S. Patent Number 5,870,552 issued to Dozier et al
(hereinafter “Dozier”) in view of U.S. Patent Number 5,832,497 issued to Jeffrey C.
Taylor (hereinafter “Taylor”).

Regarding claim 1, Dozier discloses,

A method for creating a personalized home page on a web site comprising:
presenting a entry page to a user for user entry of desired content into a web server, said web server including an associated database (Figure 10b, et seq.);

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receiving said entry of desired content from said user (Figure 10b, column 3 lines 50 – 55, et seq.);

providing HTML front-ending tools for facilitating said user being able to add said desired content to the database and index the entry in a user-defined category using a web browser without the need for any additional software necessary to interact with said publicly accessible database (column 16 lines 41 – 44, column 7 lines 63 – 64: web browser is a software that allows a user to access and view HTML document, hence, the software in Dozier can be interpreted as a web browser, et seq.);

a user account including said desired content (Figures 10b and 10d, et seq.); and
creating a personalized home page including said desired content (Figure 8a and 8b, column 3 line 42, et seq.).

Dozier does not explicitly disclose,
associating user account on said web site with said home page, said account including desired content and an associated user ID and password.

However, Taylor discloses associating user account on said web site with said home page, said account including said desired content and an associated user ID and password (column 3 lines 61 – 62, column 4 lines 54 – 58, column 5 lines 40 – 41, et seq.). At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because Taylor's user account with desired content, user ID and password would have enabled Dozier's overall system to have security features that would specify who may access the

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contents. The combination would result in a secure system operable to lead a user through certain steps and parameters to a search/organization by categories.

Regarding claim 3, Dozier discloses said desired content include non-textual information (Figure 7, et seq.).

Regarding claim 4, Dozier discloses said non-textual information includes graphics (Figure 7, et seq.).

Regarding claim 9, Dozier discloses said account further includes personalized information (Figures 10b and 10d, et seq.).

Regarding claim 10, Dozier discloses said personalized information includes a URL to the user's homepage (Figures 10b and 10d, et seq.).

Regarding claim 11, Taylor discloses the act of password-protecting said account (column 3 lines 61 – 62, column 4 lines 54 – 58, column 5 lines 40 – 41, et seq.).

Claims 12, 14 – 15 and 20 – 22 are rejected based on the same rational discussed in claims 1, 3 – 4 and 9 – 11 rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANGWOO AHN whose telephone number is (571)272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner Sangwoo Ahn
AU 2166

2/20/2008 SW



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER